

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

| | | |
|--|---|-------------------------------|
| Daniel Darren Frye, |) | C/A No. 5:15-cv-04220-DCN-KDW |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Thomas Ponder, Jennifer McKinney, |) | |
| Marie Livingston, Michelle Eastergard, |) | |
| and Dr. Ernest Martin, |) | |
| |) | |
| Defendants. |) | |
| |) | |

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On March 2, 2016, Defendants filed a Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. ECF No. 27. In an order the court advised Plaintiff of the importance of such motions and of the need for him to file adequate response pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975). ECF No. 28. Plaintiff was specifically advised that if he failed to respond adequately, the Defendants' Motion may be granted, thereby ending this case.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order Plaintiff has failed to respond to the Motion. As such, it appears to the court that he does not oppose the Motion and wishes to abandon this action against Defendants. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendants' Motion for Summary Judgment by **May 20, 2016**. Plaintiff is further advised that if he fails to respond, this action will be

recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



April 20, 2016
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge